

IN THE UNITED STATES RECEIVING OFFICE (RO/US)

Applicants : Tove Ringerike et al.
International
Application No.: PCT/PL04/000075
International
Filing Date : September 26, 2004
For : TOOLS AND METHODS USEFUL IN CHARACTERISING
THE IMMUNOTOXIC ACTIVITY OF XENOBIOTIC
SUBSTANCES

1185 Avenue of the Americas
New York, New York 10036
April 26, 2006

Attn: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION FOR REVIVAL OF AN INTERNATIONAL
APPLICATION FOR PATENT DESIGNATING THE U.S.
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. §1.137(b)**

This Petition is submitted to revive the above-identified application under 37 C.F.R. §1.137(b).

Requirements of Petition to Revive

A petition under 37 C.F.R. §1.137(b) must be accompanied by:

- (1) the required reply, unless it has been previously filed;

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- (2) the ^{1500.00 OP}petition fee set forth in 37 C.F.R. §1.17(m);

- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this

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paragraph was unintentional; and

- (4) any terminal disclaimer (and fee set forth in §120(d)) required pursuant to 37 C.F.R. §1.137(c) for a utility application filed before June 8, 1995.

Required Reply Under 37 C.F.R. §1.137(b)(1)

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. §371(c) were not filed prior to the expiration of the time set in 37 C.F.R. 1.495(b), i.e. by March 26, 2006.

Pursuant to 35 U.S.C. §371(c):

"The applicant shall file in the Patent and Trademark Office -

- (1) the national fee provided in section 41(a) of this title;
- (2) a copy of the international application, unless not required under subsection (a) of this section or already communicated by the International Bureau, and a translation into the English language of the international application, if it was filed in another language;
- (3) amendments, if any, to the claims in the international application, made under article 19 of the treaty, unless such amendments have been communicated to the Patent and Trademark Office by the International Bureau, and a translation into the English language if such

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amendments were made in another language;

- (4) an oath or declaration of the inventor (or other person authorized under chapter 11 of this title) complying with the requirements of section 115 of this title and with regulations prescribed for oaths or declarations of applicants; and
- (5) a translation into the English language of any annexes to the international preliminary examination report, if such annexes were made in another language."

Applicants attach hereto as **Exhibit 1** the necessary papers and the fee for filing a national stage application pursuant to 35 U.S.C. §371, i.e. the Transmittal Letter under 35 U.S.C. §371, specification, claims, drawings, Preliminary Amendment including a Substitute Sequence Listing (**Exhibit B**), Declaration and Power of Attorney (unsigned), a check in the amount of \$2,400.00, and an Express Mail Certificate of Mailing bearing Label No. EV 305 642 971 US dated April 26, 2006. Accordingly, the required reply is being submitted.

Petition Fee Required Under 37 C.F.R. §1.137(b) (2)

The required fee for filing a Petition under 37 C.F.R. §1.137(b) as set forth in 37 C.F.R. §1.17(m) is \$1,500.00 and applicants enclose a check including this amount.

Statement Under 37 C.F.R. §1.137(b) (3)

The entire delay in filing the required reply, i.e. the attached application for entering the national stage in the United States under 35 U.S.C. §371, from the March 26, 2006 due date for filing

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the application until this filing of this petition pursuant to 37 C.F.R. §1.137(b), was unintentional.

Terminal Disclaimer Under 37 C.F.R. §1.137(b) (4)


Because the subject application was filed on September 26, 2004, which is after June 8, 1995, a terminal disclaimer is not required under 37 C.F.R. §1.137(c).

In view of the foregoing, applicants earnestly solicit an expeditious revival of the subject application.

If a telephone interview would be of assistance in resolving any issue in connection with this petition, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee, other than the enclosed \$1,500.00 petition fee as set forth in 37 C.F.R. §1.17(m) and the enclosed \$900.00 filing fee as set forth in 37 C.F.R. §1.492, is deemed necessary in connection with the filing of this petition. If any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,


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